THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19549 of 2005

DATED:5.9.2005

Between:

Smt. Thudum Susheela,

W/o.Late Thudum Balaiah and others

…Petitioners

And

The District Collector,

Ranga Reddy District, at Lakdikapool

Hyderabad and another

…Respondents

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WRIT PETITION NO.19549 OF 2005

ORDER:

The land in S.No.181 of Dayara Village, admeasures Acs.5.39 guntas. In the related proceedings under Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Act), Tudum Ramaiah, S/o.Agaiah and Tudum Mallaiah, S/o.Agaiah were given necessary certificate as protected tenants under Section 38-E of the Act in respect of four survey numbers. The first petitioner is grand-son of Ramaiah and petitioners 9 and 10 are sons of Mallaiah, whereas petitioners 2 to 6 are sons of petitioner No.1. They allege that they are enjoying the land admeasuring Acs.5.39 guntas out of Ac.15.39 guntas in S.No.181 and that the respondents so as to allot this land to others are trying to interfere with the possession. On these allegations, present Writ Petition is filed.

It is no doubt true that petitioners placed before this Court necessary proceedings under the Act as well as certificate under Section 38-E of the Act. However, as rightly pointed out by the learned Assistant Government Pleader for Revenue (General) the Writ Petition is filed on mere apprehension. There cannot be any manner of doubt that even if some of the authorities under the Act takes up *suo motu* revision on earlier proceedings under Section 38-E of the Act, petitioners, being legal heirs of the original protected tenants, are entitled for notice. Unless such notice is issued and enquiry is conducted in accordance with law, petitioners' possession cannot be disturbed.

The Writ Petition with the above observation is accordingly disposed of without expressing any opinion as to the correctness of the proceedings before this Court or the alleged possession of the petitioners to the land.

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5.9.2005 (V.V.S.RAO, J)

Note: CC in 3 days.

(B.O)

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